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Paper No. 9

APPLIED MATERIALS INC
2881 SCOTT BLVD M/S 2061
SANTA CLARA CA 95050

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Goldberg, et al.
Application No. 10/043,274
Filed: January 14, 2002
Attorney Docket No. 4071
USA/PDC/WF/OR

This is a decision on the petition to revive under 37 CFR 1.137(f), filed May 28, 2003, which is being treated as a petition under 37 CFR 1.137(b).

The petition is **DISMISSED AS MOOT**.

The above-identified application was filed on January 14, 2002 with a nonpublication request and certification under 35 U.S.C. 122(b)(2)(B)(i). On August 14, 2002, applicant filed a Request to Rescind Previous Nonpublication Request.

With the instant petition, applicant states that the application was foreign filed on January 14, 2003.

As the Request to Rescind Previous Nonpublication Request was filed before the foreign filing, the application will be treated as if the nonpublication request was never made.¹

The petition fee of \$1,300 will be refunded to petitioner under separate cover.

As requested, the Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) has been rescinded. A corrected filing receipt, setting forth a projected publication date of October 2, 2003, accompanies this decision.

¹ See "Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. 122(b)(2)(B)(ii)-(iv)", available at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/35usc122b2binterpret.htm>.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The application file is being forwarded to Technology Center 2800 to await for applicant's reply to the Office action mailed May 7, 2003.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.



Cliff Congo
Petitions Attorney
Office of Petitions

Enc: Notice Regarding Rescission of Nonpublication Request
(1 page)

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